IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.881 OF 2003

State of Maharashtra ...Appellant.

V/s

Shamsuddin Ayub Karol ...Respondent.

Mr. A.M. Shringarpure, APP for the appellant - State.

None for the respondent.

CORAM: V.M. KANADE, J.
DATE : 10th December, 2004

P.C.

1. Heard the learned APP appearing on behalf of the appellant - State.

2. State has preferred this appeal against the Judgment and Order passed by the Sessions Judge, Sindhudurg in Criminal Appeal No.13/2002. By the said Judgment and Order dated 19/3/2003, the Sessions Judge, Sindhudurg allowed the appeal and set aside the order of conviction passed by the Judicial Magistrate, First Class and acquitted the accused of the offence punishable under section 498(A) of the Indian Penal Code.

3. The learned APP has taken me through the judgment and order of the Lower Appellate Court as also evidence which is adduced by the prosecution. After

having perused the oral and documentary evidence on record, in my view, no case is made out for interfering with the said Judgment and Order passed by the Lower Appellate Court. The Complainant was filed on 10/2/1999. The accused had given divorce to the complainant and intimation of divorce was given to the complainant on 17/8/1998. Application was also made by the accused for custody of the son. Thereafter, the present complaint was lodged by the complainant. Father of the complainant, in his evidence, has not stated that the accused had demanded dowry. On the contrary, he has referred to the quarrel between husband and wife which had taken place when he had gone to the house of the accused and the grievance of the husband was that the complainant was not in a position to prepare the food and the accused was, therefore, angree and there was a quarrel between them. Prosecution has relied on certain letters which were written by the complainant to her parents. However, xerox copies of the letters have been filed initially and the original letters were thereafter produced. It is difficult to rely on these letters as copies of these letters were not supplied to the accused. The complainant did not state in her examination-in-chief that she had written letters to her parents and, at the fag end of the trial, these

letters were sought to be produced. The Lower Appellate Court has correctly not relied on the said letters. It appears that the present complaint is filed by the complainant as a counterblast to the application for custody of the son which was filed by the husband.

4. Under these circumstances, I do not see any reason to interfere with the order passed by the Trial Court.

Leave is refused. Appeal is dismissed.

V.M. KANADE, J.